
Human Services Committee

HB 1300

Brief Description: Accessing mental health information.

Sponsors: Representatives Hurst, Dickerson, Pearson, Klippert, O'Brien and Smith.

Brief Summary of Bill

- Expands the list of entities and/or individuals who may obtain access to treatment history information under the Involuntary Treatment Act.
- Combines sections throughout the Involuntary Treatment Act which address the release of information to individuals and entities and the scope of information to be released.
- Renders inoperable any provision regarding the release of information which conflicts with federal requirements necessary for funding.

Hearing Date: 1/28/09

Staff: Linda Merelle (786-7092)

Background:

On New Year's Eve 2007, a young woman in Seattle was stabbed and killed. The person charged with the offense had significant mental illness diagnoses and was under the supervision of a Department of Corrections Officer. As a result, in early 2008 and throughout the year, a work group of mental health professionals, law enforcement, prosecuting and defense attorneys, and others convened to address areas in the involuntary treatment system that could be modified or further developed improve community safety.

The members of the work group learned that communication across systems was a general problem that the professionals who dealt with mentally ill persons faced every day. Many professionals are prohibited from communicating with others because of confidentiality laws. In some cases, even where no legal prohibitions existed, there was a perception of a prohibition of sharing information, and the information was not shared. Further, statutes regarding

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confidentiality are not all located in one place, and a determination of the kinds of data and communications allowed to be shared were sometimes laborious and complicated.

The Involuntary Treatment Act (ITA) sets forth the procedures, rights, and requirements for an involuntary civil commitment. Persons can be initially detained for up to 72-hours for evaluation and treatment, and upon a petition to the court and subsequent order, the person may be held for a further 14 days. Upon a further petition and order by a court, a person may be held for a period of 90 days. If a person has been determined to be incompetent and criminal charges have been dismissed, and the person has committed acts constituting a felony as a result of a mental disorder and presents a substantial likelihood of repeating similar acts, the person may be further committed for a period of up to 180 days. No order of commitment under the ITA may exceed 180 days.

The ITA contains provisions for a release of mental health services information to various entities, including the Department of Corrections, attorneys, law enforcement, and others. The provisions regarding who is entitled to receive confidential information and what persons are allowed to do with that information are contained in several different places throughout chapter 71.05. In some cases, the scope of the information that may be released to one entity, such as law enforcement, is limited.

Summary of Bill:

A new section is created in RCW 71.05 to allow expanded access to mental health treatment history information to: (1) law enforcement, (2) public health officials, (3) the Indeterminate Sentencing Review Board, (4) prosecuting and defense attorneys, and (5) jail personnel. The new section also consolidates the provisions throughout RCW 71.05 regarding the release of confidential information.

Appropriation: None.

Fiscal Note: Requested on January 13, 2009.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.